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Via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: Notice of Ex Parte Presentation
Entertainment Software Association
CG Docket No. 10-213, WT Docket No. 96-198, CG Docket No. 10-145

Dear Ms. Dortch:

This is to notify you that, on September 2, 2011, Michael Warnecke, Sr. Policy Counsel of the Entertainment Software Association (the "ESA"), accompanied by George Wheeler of Holland & Knight LLP, met with Rick Kaplan, Wireless Telecommunications Bureau Chief, and Jane Jackson, Associate Bureau Chief, to discuss issues relating to the above-referenced dockets.

The ESA detailed why a sensible waiver or exemption for an appropriate class of products and services would advance the public interest by facilitating timely FCC implementation of the Twenty-First Century Communications and Video Accessibility Act ("CVAA") prior to the upcoming statutory deadlines and by promoting fair competition among products or services within the class. In particular, the ESA discussed why the class of video game offerings, as defined in the ESA Reply Comments on page 12, especially merits an exemption or waiver to new accessibility requirements relating to advanced communications services ("ACS").¹

The attendees also conferred as to other aspects of class waivers, including scope. Given FCC authority to review an FCC rule waiver and the evolving nature of game development, the ESA maintained that efforts to predict a potential re-evaluation period for any ACS waiver would be unnecessarily speculative. Moreover, because hundreds or thousands of video game offerings, as defined by the proposed exemption, may be released in a single year, the proposed waiver would greatly facilitate the Commission's ongoing and necessary focus on products and

¹ See ESA Comments, CG Docket Nos. 10-213 & 10-145, WT Docket No. 96-168 (filed Apr. 25, 2011); ESA Reply Comments, CG Docket Nos. 10-213 & 10-145, WT Docket No. 96-168 (filed May 23, 2011).
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services that are clearly within the purposes of the CVAA. In addition, the ESA addressed procedural, transitional, and timing issues -- such as the importance of prompt action -- with respect to waiver requests, including requests that already have been submitted in response to the Commission's query in paragraph 60 of the Notice of Proposed Rule Making in these dockets. ESA discussed its preference for an expeditious resolution to its waiver request, in light of potential disruption to product development cycles.

Pursuant to Section 1.1206 of the Commission rules, this letter is being electronically filed with your office and a copy of this submission is being provided to the meeting attendees. Please contact the undersigned if you have any questions regarding this filing.

Respectfully submitted,

/s/ Bill LeBeau

George Wheeler
Bill LeBeau

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Attorneys for the
Entertainment Software Association

cc: Rick Kaplan, Bureau Chief, Wireless Telecommunications Bureau (via email)
Jane Jackson, Associate Bureau Chief, Wireless Telecommunications Bureau (via email)